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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,903	11/21/2003	Roger S. Kerr	86388NAB	1625

7590 11/03/2005

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EXAMINER

GABOR, OTILIA

ART UNIT PAPER NUMBER

2884

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/718,903	KERR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Otilia Gabor	2884	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/21/03</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9, 11-18, 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Isoda et al. (U. S. Patent 6,605,820).

Isoda discloses a raster scanning system for scanning a photo-stimulable radiographic media, the scanning system comprising:

- a light emitting diode (LED) array (11) adapted to fire incident beam onto the radiographic media (50' or 350) to stimulate the area and generate emitted light
- a collection optics (16, 16', 14, or 13, 13') adapted to collect emitted light and reflected light from the radiographic media
- a filter (17, 17' or part of 13, 13' or part of 614) to permit the emitted light to pass to a charge coupled detector (CCD) (21, 120', 20, 20')
- an analog to digital converter (A/D 617) for receiving the signal from the CCD
- a control processing unit (618) for receiving the converted signal

- an output device (619) for processing the signal from the processing unit (618). (See especially Figs. 28, 35, 47, 48 and corresponding description).

Regarding claim 12 Isoda discloses that the radiographic media has a first and a second side wherefrom emitted light is collected through first and second collection optics (see Figs. 28, 35, 47) and where the signals are forwarded to first and second CCDs (see Figs. 28, 35, 47) and where the signals from both CCDs are controlled and processed through processor (130).

Regarding claims 2, 13 Isoda discloses that the area is a series of stimulated areas.

Regarding claims 3, 4, 14, 15 Isoda discloses that the radiographic media is a phosphor sheet.

Regarding claims 5, 7, 16, 18 Isoda discloses mirror (14) as part of the collection optics (mirrors inherently have reflective surfaces).

Regarding claims 6, 17 Isoda discloses that the phosphor sheet moves along an axis (Y) perpendicular to the stimulated line (see Figures).

Regarding claims 9, 20 Isoda discloses that filter (17) can be a colored filter and as such it can inherently be a blue filter (based on its application).

Regarding claim 11 Isoda discloses a display device for displaying the images obtained through scanning.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8, 10, 19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isoda.

Regarding claims 8, 10, 19, 21 Isoda discloses that his system is made so that the collection efficiency as well as the reflectivity is very high, but he fails to disclose the percentage as claimed for the collection efficiency (52%) and reflectivity (between 80 and 95%). However, since he discloses the collection efficiency and reflectivity is high, it would have been obvious to use optical elements with the claimed percentage efficiency and reflectivity, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art (*In re Boesch*, 617 F.2d 272, 205

USPQ 215 (CCPA 1980)), and since optical elements with the claimed efficiency and reflectivity are well known and used in the art.

Regarding claim 22 Isoda discloses using LED arrays as the incident light source but he fails to disclose a second LED array on the second side of the phosphor sheet, however it would have been obvious to one having ordinary skill in the art to use a second array of LEDs since Isoda allows for back-illumination of the phosphor sheet and since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

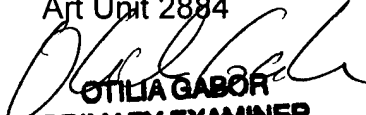
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 571-272-2435. The examiner can normally be reached on Monday-Friday between 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2884

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Otilia Gabor  
Primary Examiner  
Art Unit 2884



**OTILIA GABOR**  
**PRIMARY EXAMINER**